

CRIME: 69 PC, Resisting an Officer

VICTIM: Ryan BRILEY, ID# 287

SUSPECT: Victor Charles HERNANDEZ [REDACTED]

DATE/TIME: 04-19-2011 @ 2319 hours

LOCATION: Johnson Elementary School  
500 West Madison

REFERENCE: Statement of Case

FACTS:

On 4-19-11, at approximately 2201 hours, and again at 2251 hours, the El Cajon Police Department received calls regarding subjects trespassing and possibly drinking alcohol at 500 West Madison, Johnson Elementary School. At 2258 hours, Unit 107, Officers BECKER and CUNNINGHAM and Unit 137 Officer BRILEY, were dispatched to the school. Officer BRILEY arrived at 2306 hours and Officers BECKER and CUNNINGHAM arrived at 2308 hours. All three officers approached from the northeast corner off the cul-de-sac of Compton Street and began checking the school, by walking along the north side of the school grounds.

As they approached the northwest corner of the school, Officer CUNNINGHAM walked south to the east side of the library, and checked along the corridor that is due south of the library. Officers BRILEY and BECKER walked westbound along the north side of the school. They stopped at the northwest corner of the school, where they noticed graffiti in the small alleyway. Both officers indicated this was a common access point into the school. Additional fresh graffiti was located on the west walls and doors of the library. A backpack had been located in the hallway, and the officers searched it in an attempt to identify its owner.

At approximately 2315 hours, a citizen called the El Cajon Police Department and reported that there were two white male juveniles tagging the area of Madison and Chambers. The reporting party also overheard them say they were going to go stab someone near the school.

At approximately 2317 hours, the aforementioned information was dispatched to Officer WHITMAN and Sergeant ZMIJEWSKI.

While searching the backpack, Officer BRILEY heard the radio call of a vandalism/potential stabbing information occurring in the area of Chambers and Madison. The officers began to walk back towards their vehicles. As they reached the end of the corridor, they looked south of their position and noticed two or more subjects standing near the auditorium. The

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subjects immediately began running southbound along the west side of the auditorium towards the front of the school. Officers BECKER, CUNNINGHAM, and BRILEY began chasing after the subjects. At 2318 hours, Officer BRILEY advised dispatch of the foot pursuit, at which time additional units were dispatched to their location. Officers BECKER and CUNNINGHAM ran towards the east side of the auditorium and Officer BRILEY ran towards the west side of the auditorium. As Officer BRILEY ran along the west side of the auditorium and approached the front of the school, he heard what he believed was the sound of subjects climbing over the fence at the front of the school. It should be noted that the fence is attached to the southwest corner of the auditorium, closing the front of the school. The fence is intersected by a concrete planter box that is approximately two and one-half to three feet high. The planter box runs from east to west.

As Officer BRILEY reached the area of the southwest corner of the auditorium, he observed the suspects' upper body pop up from behind the southwest corner of the planter box. He also observed either one of both of the subjects arm(s) swing up in front of him as if he was pointing something at Officer BRILEY and said, "Gotcha."

Believing that the subject was about to shoot him, Officer BRILEY drew his duty weapon and fired one round at the subject, striking him. The subject went to the ground. At 2319 hours, Officer BRILEY put out, "Shots fired" over the radio, and additional units responded. Officers BECKER and CUNNINGHAM were on the east side of the auditorium when they heard the gunshot. Both officers made their way over to Officer BRILEY's location. Officer BECKER immediately began rendering first aid to the subject, later identified as Victor Charles HERNANDEZ.

Heartland Fire District Medic 6 and Engine 6 arrived on scene and ultimately transported HERNANDEZ to Sharp Memorial Hospital. During the transport, Officer BECKER was present in the ambulance and noted that one of the medics detected the odor of an alcoholic beverage coming from HERNANDEZ and also documented that HERNANDEZ admitted to using "LSD".

Officer BRILEY indicated that when he first encountered the subject and heard, "Gotcha" he believed he was being "ambushed". He further believed that the individual who had run from him had intentionally led him to that area. Officer BRILEY indicated that at that moment, he thought he was going to be shot when the subject was pointing at him, because he believed the subject possessed a firearm

Subsequent to the shooting, two juveniles identified as [REDACTED] and [REDACTED] were detained. As the investigation progressed, two other juveniles identified as [REDACTED] and [REDACTED] were also detained. During the course of interviews with all four subjects, it was determined that [REDACTED] was the leader of a tagging crew called "Spray All Day" also known as "SAD". During further interviews, it was determined that [REDACTED], [REDACTED], [REDACTED], and other subjects associated with "Spray All Day" including the suspect, Victor HERNANDEZ, were congregating at the school throughout the early evening hours of 4-19-2011. According to the subjects interviewed, there were up to eight subjects at the school throughout the evening. The members of this group were

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drinking alcohol, smoking marijuana, inhaling Dust Off, and tagging the school. The primary members of "Spray All Day" are approximately fourteen to seventeen-years old. HERNANDEZ is twenty-eight.

Through interviews, it appears that HERNANDEZ was drinking heavily throughout the course of the evening, and became confrontational and combative with other members of the tagging crew. [REDACTED] and [REDACTED] both stated that HERNANDEZ was attempting to fight with [REDACTED] and was at the front of the school, near the planter box. The entire group, except for HERNANDEZ, had left the school. HERNANDEZ remained inside the school, near the southwest corner of the planter box. HERNANDEZ challenged [REDACTED] to fight and squared off with [REDACTED] while he was standing on the opposite side of the fence. [REDACTED] climbed back over the fence and into the school yard to defend [REDACTED]. When he approached HERNANDEZ, HERNANDEZ pushed him and [REDACTED] punched HERNANDEZ in the face. [REDACTED] reported seeing blood coming from HERNANDEZ's mouth. Both individuals reported that HERNANDEZ went to the ground, in a seated position, with his back against the gate and his arm on the planter box. [REDACTED] and [REDACTED] then left, on foot, walking towards Wisconsin.

Approximately ten to fifteen minutes later, [REDACTED] and [REDACTED] went back to the school in an attempt to locate a MP3 player, belonging to [REDACTED]. When they returned to the school, they observed HERNANDEZ still seated next to the planter, and they climbed the fence, going back into the school. As they walked northbound along the west side of the auditorium, [REDACTED] reported seeing the "cops", and both he and [REDACTED] ran southbound towards the planter box to exit the school.

As they fled, [REDACTED] observed HERNANDEZ moving and actually stated, "Sorry bro". Both [REDACTED] and [REDACTED] reported hearing a gunshot shortly after exiting the school.

Respectfully submitted,

C. BALDWIN, ID#190  
INVESTIGATIONS DIVISION  
4/27/2011 10:42 AM  
CB:js

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